

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:	)	MMB Docket No. 1776-0015
	)	
Stephen K. Herron	)	Xerox Docket No. D/A2461
	)	
Serial No: To Be Assigned	)	Examiner: To Be Assigned
	)	
Filed: Herewith	)	Group Art Unit: To Be Assigned

Title: Method and System for Preparing Grayscale Image Files for Highlight Printing on a Four Color Printer

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(Date of Deposit)

David M. Lockman

Name of person mailing Document or Fee



Signature

January 15, 2004

Date of Signature

**PETITION UNDER 37 CFR 1.47(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for acceptance of a declaration in the above-referenced patent application submitted concurrently with this petition. The application names a sole inventor who refuses to sign papers to file the application. Please charge the \$130.00 fee required by 37 CFR 1.17(h) to Deposit Account No. 24-0037.

### Facts Regarding the Proprietary Interest of Xerox Corporation

An invention disclosure submitted by Stephen K. Herron while he was an employee of Xerox Corporation ("Xerox") provided the content of the accompanying patent application. Mr. Herron executed an employee agreement with Xerox that is attached hereto as Exhibit A. The employee agreement assigns to Xerox Mr. Herron's right, title, and interest in any patents and patent applications based on inventions, discoveries, computer programs and systems produced by Mr. Herron during his employment with Xerox. Mr. Herron invented the subject matter of the accompanying application while he was an employee of Xerox and the employee agreement is proof that Mr. Herron has agreed in writing to assign this invention to Xerox Corporation. As a result, Xerox has demonstrated a proprietary interest in this application that is adequate to support this petition. See MPEP 409.03(f).

### Facts Regarding Inventor's Refusal To Sign Application Papers

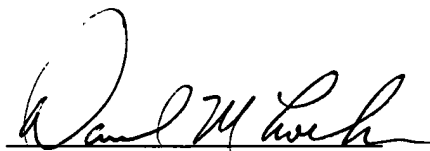
On October 29, 2003, Mr. Herron was sent a copy of a draft of the accompanying application by Federal Express. A copy of the letter presenting the application is attached hereto as Exhibit B. In response to the letter, Mr. Herron contacted the undersigned by email. In his email, he acknowledged his inventorship and set forth new terms for cooperation. A copy of that email is attached hereto as Exhibit C. When Xerox informed Mr. Herron that his cooperation was expected, Mr. Herron informed Xerox that he would not assist in the preparation or filing of the application. A redacted copy of Mr. Herron's

email attesting to his refusal to cooperate with respect to the application is attached hereto as Exhibit D. In response, an email was sent to Mr. Herron informing him that Xerox would proceed with filing the application and that Xerox would advise the U.S. Patent Office that Mr. Herron would not sign unless he confirmed that he would cooperate in the filing of the application within ten (10) days of the email. A copy of that email dated November 6, 2003 is attached hereto as Exhibit E. No response has been received from Mr. Herron since the transmission of this email.

The letter and emails prove that Mr. Herron refused to assist Xerox in filing of the application in the U.S. Patent Office. Having demonstrated its proprietary interest in this application, Xerox Corporation brings this petition under 37 CFR 1.47(b) to accept the declaration submitted on its behalf. Xerox Corporation respectfully requests that the application and declaration executed on behalf of Xerox Corporation be accepted and that the application be deemed filed as of the date indicated in the Express Mailing certification.

Respectfully submitted,

MAGINOT, MOORE & BECK LLP

A handwritten signature in black ink, appearing to read "David M. Lockman", written over a horizontal line.

David M. Lockman  
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January 15, 2004  
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